

NOW HE IS SANE.

Joseph Healy, Who Terrorized Governor Leedy's Force.

Now Trying to Recover Possession of Property.

HAD TWO GUARDIANS.

I. A. Strauss, of Topeka, Held to Be Proper One.

How Healy Was Captured in Executive Rooms.

Joseph Healy, of Lincoln county, the man who on March 1, 1897, entered the office of Governor Leedy armed with two big revolvers, threatening everybody and demanding protection from an imaginary mob, is the central figure in an interesting case filed yesterday in the supreme court.

Involved in the case is a double guardianship, a conflict of authority between the probate courts of Shawnee and Lincoln counties in the insanity trial which resulted from Healy's raid on the governor's office, and the disputed authority of I. A. Strauss, ex-chief of police of Topeka, who was appointed guardian of Healy by the Shawnee county court.

Healy was released from the Topeka insane asylum in August, 1904, as cured. He is now fighting for the possession of a valuable piece of land in Lincoln county where he owned at the time of his escape with Governor Leedy, and which was sold during his incarceration in the insane asylum.

Healy and his wife, Bridget Healy, owned a quarter section of good farm land in Lincoln county. They needed money, and mortgaged the farm for \$1,000. Then Mrs. Healy died, leaving her half of the farm to her husband and five minor children. The mortgage was due and unpaid, and Healy worried greatly over his affairs. One day he turned up missing, and when next heard from, he was in Topeka, trying to get an audience with Governor Leedy. He met Major A. P. Shreve at the door of the governor's office and asked to see the governor. Major Shreve, not realizing the man's condition, turned him over to Harry H. Fleharty, Governor Leedy's private secretary.

"You wish to see Governor Leedy?" said Mr. Fleharty.

"Yes, sir," replied the crazy man. "I must see him."

"Just sit down," said Mr. Fleharty. "The governor is engaged just now but will soon be at liberty."

"But I can't wait," said the man, getting excited. "They are after me, and I must see the governor right away. I can't wait, I tell you."

Mr. Fleharty calmly realized that the man was crazy, and he assumed an air of careless familiarity, saying:

"That's too bad, indeed it is. Just come over here and sit down, and tell me all about it."

The man complied with the request, but not without many suspicious glances around the room for the "people" who were after him.

"Who is after you?" asked Mr. Fleharty.

"Five counties are after me and they want to lynch me."

"Why are they after you?"

"They say there is a girl in it, but it's not a girl, it's a man. I had a fight in court, but that is all there is to it."

"When did you get here?"

"At 2 o'clock this afternoon."

"Where did you stay last night?"

"I slept in a shock of corn near Minneapolis. They were after me all night. I could hear people driving around all night looking for me to kill me, and I kept as quiet as I could. But they found my tracks in the snow, and they found where I was. Then they piled some more corn on top of the shock and set fire to it. Then I jumped out and shot three men, but they are still after me."

"I will see to it that no one hurts you," said Mr. Fleharty. "I will order out a company of soldiers to protect you. Just wait here until I can go and telephone."

Fleharty went to the telephone and called up the police station, explained the circumstances and asked for a couple of officers. Then he went back to entertain his crazy friend. While waiting for the arrival of the officers, the crazy man looked at the clock and one of them a large clock, and amused himself by pointing them at Fleharty's head. Fleharty didn't lose his nerve, however, and when Chief of Police Steele arrived, Fleharty calmly introduced him as Governor Leedy. Healy found that he was unable to escape from Chief Steele's handshake, and allowed himself to be taken to the station without resistance.

It happened that Sheriff S. M. Hoover, of Lincoln county, was in Topeka at the time Healy was arrested, and Hoover went before the probate court and swore to a warrant charging Healy with insanity. The case was duly tried before Judge Dolan, and Healy sent to the Topeka asylum. I. A. Strauss, former chief of police, was appointed as guardian, and gave \$100 bond.

Sheriff Hoover, of Lincoln county, and apparently set the legal machinery in motion there, also, for within a short time the probate court of Lincoln county, appointed John P. Linker to be guardian of Healy's property. Linker took charge of all the assets, while Strauss at Topeka did nothing whatever. Strauss was apparently ignorant of the fact that Healy had any property.

Meantime T. H. Fitzpatrick, a Lincoln county man, bought the note and mortgage given by Healy and his wife, and started foreclosure proceedings, of which he recognized Linker as the guardian of Healy, and caused the papers to be served on him. In 1898, the district court gave a judgment for Fitzpatrick, and the Healy farm was sold to satisfy the judgment. The amount of the judgment was \$1,400, and Fitzpatrick got the property by paying \$80 more. Then Fitzpatrick sold the farm to Timothy Foran, who had been occupying it, for \$1,500.

Things were in this shape when Joseph Healy was released in August, 1904, from the Topeka asylum as cured. Immediately he started proceedings to get possession of his farm. He hired Garver & Larimer as his attorneys, and filed suit against Timothy Foran to break the 1898 foreclosure order which Foran held title to the land.

Judge Rees heard the case, and decided that the probate court of Shawnee county had exclusive jurisdiction over the person of Joseph Healy, and that I. A. Strauss was really the guardian upon whom the papers in the foreclosure suit should have been served. Linker, according to this decision, had no authority whatever to act as guardian, and consequently the papers in the foreclosure suit were null and void. Healy never been served on Joseph Healy. The court held that Timothy Foran had an interest in the land only as a mortgagee, and charged the following amounts against the plaintiff, Healy:

Amount of mortgage debt.....\$2,265.00
Taxes paid by defendant Foran, 113.12
Improvements made by Foran.....73.00

Total.....\$2,451.12

The following credits on this debt were allowed to Healy:

Receives from Foran, 1897.....\$534.75
Proceeds of sale of half interest in Mrs. Healy's share.....115.50

Total credits.....\$650.25

This left a net balance due to Foran from Healy of \$1,791.87, which represented what Healy would have to pay to get rid of the old mortgage which had been running since 1891.

Of course Foran did not want to give up possession of the farm for which he had paid \$1,950, besides taxes and improvements, and he has since been in the case to the supreme court. His attorneys are George D. Abel and Z. C. Milliken.

Healy, however, is in very good shape. He has recovered his mind, and will probably recover his property. The land is in the Kansas wheat belt, and is much more valuable than it was when Healy went crazy, for it is since that time that the country has developed its rich agricultural properties.

ENFORCE THE LAW

M. A. Waterman Has Decided to Close the Joints.

Will Make Kansas City, Kansas, a Very Dry Town.

EXPLAINS HIS PLANS.

To Bring Quo Warranto Proceedings to Higher Court.

Fails to State Why He Breaks Into the Matter.

Kansas City, Kan., Aug. 10.—"A fight for the strict enforcement of law here, is now on," said M. A. Waterman last night. "The gambling houses and poolrooms are now closed, and we are now going after the saloons."

Mr. Waterman said that he had asked the county attorney, J. S. Gibson, to prepare quo warranto proceedings to be filed in the name of the state against Kansas City, Kan., in the Kansas supreme court to stop the city from collecting regular fines from saloonkeepers. This action will be taken upon legal advice that the situation in this city is covered by a decision of the supreme court ousting the city of Topeka from the exercise of license authority. If the county attorney fails to bring the proceedings by the early part of next week Mr. Waterman said that he would carry the matter to Governor Hoch and the attorney general.

The bringing of ouster proceedings against officials in this city is also contemplated by Mr. Waterman. Regarding his crusade for law enforcement he said last night:

"The folk idea is spreading throughout the country like a prairie fire, and nowhere outside of Missouri is it making greater progress than in Kansas. This idea has taken deep and firm root in the hearts of so many of our good citizens that I feel confident the great fight for law and order was begun in earnest in our city, and that it cannot be stopped so long as indignation to violate the law are sold by certain city and county officials."

The decision of the supreme court upholding the state's right to depend upon its writs in 1884 by Justice Valentine, all the justices concurring.

The decision said:

"Titles of the state of Kansas have no power to license or authorize the sale of intoxicating liquors."

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"Whenever a municipal corporation usurps any power which might be conferred upon it by the sovereign power of the state, but which has not been so conferred, the corporation may be ousted from the exercise of such power by a civil action in the nature of quo warranto in the supreme court."

Mr. Gibson, the county attorney, said last night that he had talked with Mr. Waterman about the bringing of quo warranto proceedings but that he did not know what would be done. He is not ready, he said, to say what action he would take.

The defense of the city will probably be that it does not violate the law, but that it is for violations of the law. Mr. Waterman says that the Topeka case covers this point. The revenue derived from the saloons in this city amounts to \$48,000 a year and is used to pay running expenses. If this revenue is shut off protests from taxpayers may be expected as taxes will be higher next year than now.

How He Escaped Quarantine.

Winfield, Kan., Aug. 10.—Eugene Baird of this place, a traveling man, who "covers" the saloons, escaped yellow fever quarantine several days ago near Bunkie, La., and reached here last evening without his trunk. He was one of a train load of passengers who were taken to a train two miles from Bunkie when on the way to Hot Springs, Ark., and put under guard on a lonely plantation.

With Henry's help, Baird escaped the guards and hired a negro to drive them twenty miles to a railroad station where they secured passage. Baird left his trunk and went back into the parish under penalty of a \$100 fine.

Wedding at Fort Scott.

Fort Scott, Kan., Aug. 10.—Frank J. Thomas and Miss Mildred Marvin, ex-students of the University of Kansas and of the University of Chicago, were married here last evening at the home of the bride's parents. Mr. Thomas occupies the chair of mathematics in the high school in Missoula, Mont., and the couple left for that place last night.

Buggy Struck by a Car.

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northwest coast. He receives \$18 a week for his newspaper work, and, in addition, receives \$7 a week for extra work on the official exposition programme. His brother Jim has an equally good position on the San Francisco Chronicle. —Atchison Globe.

ON FLAGSHIP OHIO.

Chase County Sailor Writes of His Manila Experience.

Cottonwood Falls, Kan., Aug. 9.

To the Editor of the State Journal.

J. M. Bates of this city has received a belated letter of June 14 from his son, O. A. Bates, on the United States flagship Ohio, stationed at Cavite, P. I. It may be of some interest to the readers of the Journal:

"It has been some time since I wrote to you, and some time since I heard from you. I am getting along fine, perspiring lots but that is what is good for a fellow in this climate. This is the rainy season here now. The typhoon season is on also but not strong as later on.

"Well, we are going to China about July 1st. I think at least we will be up there by the 4th if a cablegram we got is correct. My birthday is the 6th. I am up to 19 now and that leaves me only two years to serve out my enlistment. But I suppose I will have to do three or four months overtime waiting for some ship to take me back to the United States. Several of the boys are leaving the overland route and running to Guam. There is nothing to speak of, only three ships and a bunch of natives. We stayed there Sunday awaiting orders from Washington as to where we should meet the fleet.

"After another nice run we arrived at Cavite May 7. Cavite is across the bay from Manila about eight miles away. They are really on the same side but that is the way we call it. We met the battleships Oregon, and the cruiser Cincinnati, Raleigh and Baltimore.

"We left Friday, three weeks ago. The trip to Manila was a good one. We were in the lead. Following came the Wisconsin, Oregon, etc. After we had been out until Friday we sighted the coming of the fleet under the horizon. We knew they could not be anything else but a fleet because no more than one of any other kind of a ship travel that way. They turned out to be three Russian cruisers, which had escaped from the rest of their fleet in a fog in a battle with Japan.

"We saluted and they signalled that they were a fleet of Russian cruisers. We wanted to go into Manila harbor for shelter from the Japanese. We escorted them into the bay where they were dispersed. I got the wedding cake sent but it had been on the road for a month it was a trifle hard. —O. A. BATES."

AN ANXIOUS HALF HOUR.

Cottonwood Falls Tourist En Route to Colorado Targets Pursue.

A person to look at Ed Brundley in his calm, cool moment would not dream that he was the kind of the man to sweat under any circumstances but when he and Mrs. Brundley started for the Colorado mountains last night, Ed got wrought up to the boiling point. They caught the last car for Strong to catch their train and about the time they got to the south end of Strong City, Ed said to his wife: "I left my coat, pocket book and railroad tickets at the jewelry store. Ed walked back. The temperature was about 36 degrees and the wind blew 15 miles an hour from the north on the way back to Strong City. But Ed got his coat, his pocket book and railroad tickets and he was satisfied. He caught the train. He wouldn't print this if Ed was here but we think he'll have time to cool off on Pike's Peak before he comes back—Chase County Leader.

DID HE STEAL DYNAMITE.

That Is the Charge Against Melvin at Iola.

Iola, Kan., Aug. 10.—C. L. Melvin, the dynamiter of the Iola joints, who was brought here from the Wyandotte county jail in Kansas City, Kan., where he was held for the shooting of a man, Thursday at Keosauqua, Iowa, was arraigned before Justice Potter on the charge of stealing 1,000 pounds of dynamite from the Iola storehouse the night of July 5, the night before the explosion. His preliminary hearing has been set for 9 o'clock Friday morning.

Richardson, fearing a small amount, wanted to take Melvin to Fort Scott pending the hearing, but the man expressed himself as not afraid, and asked to remain here. On the 2-02 of the afternoon, Adair & McMillen, he refused to take Melvin's lawyers, is the police judge who would not let the man go until he was guilty on the charges of disturbing the peace and carrying concealed weapons.

Veterans Object to Carnival.

Pittsburg, Kan., Aug. 10.—Some of the old soldiers gathered in the Pittsburg reunion are advocating making a radical change. The veterans who want the reunion to be a reunion of old soldiers in the true sense of the word, the carnival feature be done away with. They claim that the side shows, grafters, fakirs and rough crowd which has been eliminated at present are a drawback to the reunion.

Unknown Man Killed at Holton.

Holton, Kan., Aug. 10.—The east-bound Kansas City Northwestern train, due here at 2 o'clock Wednesday afternoon, struck and killed an unidentified man in the afternoon about one mile west of Holton. Nothing was known of the man, and his name. The hat band contains the following initials: "J. R. S. Canton, Kan." Photographs of other persons were found in his pockets. The pictures were taken at Olathe. The inquest will be held today.

W. W. Hamilton a Suicide.

Mound City, Kan., Aug. 10.—W. W. Hamilton, a farmer and stockman living near Oakwood station, in the northwestern part of this county, committed suicide by drinking carbolic acid, which had been secured from nervous prostration for a year, and it is thought his suicide was the result of melancholia. He left no communication and the family had no intimation that he contemplated killing himself.

Lightning Destroys a Barn.

Concordia, Kan., Aug. 10.—A large grain and hay barn on the farm of Fred Ward, in Nelson township, was struck by lightning and totally destroyed, together with 2,000 bushels of wheat and a large lot of alfalfa, implements, etc. The barn was recently built to take the place of one burned by a prairie fire.

Farmer and Sons Drowned.

Pittsburg, Kan., Aug. 10.—John Walters and his two elder sons were drowned in Hickory creek near McCune while fording the creek with a load of hay. Mr. Walters and his three sons were on the hayrack. The load of hay. The heavy rain of Sunday evening had caused the stream to



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